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Pitcairn

Working paper prepared by the Secretariat

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I. General

1. Pitcairn is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory is located midway between Australia and the continent of South America at 25° S and 130° W. It comprises four islands in the eastern Pacific Ocean: Pitcairn (the only inhabited island), Henderson, Ducie and Oeno. Henderson Island was designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization in 1988. It provides a habitat for endemic species of birds and plants and serves as a source of miro wood, used by Pitcairners for their carvings. The total area of the Territory is 35.5 sq km while that of Pitcairn itself is 4.35 sq km.[1] Access to Pitcairn is possible only by sea which, given its rocky coastline and cliffs, severely limits the points of disembarkation.

2. Pitcairn (named after Robert Pitcairn, a British midshipman who sighted it in 1767), was uninhabited when castaways from HMAV *Bounty* (9 mutineers and 18 Polynesians) arrived there in 1790. The majority of Pitcairn's inhabitants today can trace their ancestry back to those mutineers. Its population has been declining steadily since 1937, when it peaked at over 200. As at December 2009, the total population of the Territory was 53. Most of the population lives in Adamstown, the only settlement in Pitcairn. Many Pitcairn Islanders have strong links with New Zealand, and some are dual United Kingdom and New Zealand nationals. There are also links with French Polynesia, Pitcairn's nearest neighbour.

3. The official languages are English and Pitkern, which is a mixture of eighteenth-century English and Tahitian. The Seventh-day Adventist Church is the only church on the Island and a pastor from New Zealand is currently stationed there. The Territory enjoys a subtropical climate. Mean monthly temperatures vary from around 19 °C in August to 24 °C in February.

II. Constitutional, legal and political issues

4. On 11 February 2010, following consultations launched in September 2009, the new Pitcairn Constitution Order 2010 was introduced, updating the Pitcairn Order 1970 and Royal Instructions 1970 in respect of the role of the Governor and bringing the judicial system into the Constitution. It sets out, for the first time, rights and freedoms of the individual, provides for an Attorney General and establishes the authority of the Island Council. It clarifies the independent role of the Pitcairn courts and judicial officers, guarantees the independence of the public service, institutes an obligation to undergo an independent audit and makes provision for an Ombudsman. The Mayor of Pitcairn welcomed the Constitution as reflecting the new partnership commitment between Pitcairn and the United Kingdom.

Note: The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[1] *The Far East and Australasia* (Europa Publications, 2005).

5. The Governor is appointed by the Queen, acting on the advice of the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, to whom he is accountable. In practice, the High Commissioner of the United Kingdom to New Zealand is appointed concurrently as Governor of Pitcairn, and the responsibility for the administration of the Island is accordingly vested in him. The current Governor of Pitcairn is George Fergusson.

6. After full consultation with the island community, a new governance structure was introduced on the Island in April 2009, which created four senior public sector posts (Division Managers), thereby boosting local administrative capacity. The structure provides for fair and transparent systems of Government job selection and performance management. The process of devolving more functions and responsibilities to the Island has begun but will be gradual given the limited human resources and appropriate skills of the Territory's tiny population. For the time being, some administrative functions will need to remain with the Pitcairn Islands Office, situated in Auckland, New Zealand.

7. Pitcairn Islanders manage their internal affairs through the Island Council, which was established by Local Government Ordinance. The Ordinance conferred upon the Council the duty, subject to orders and directions by the Governor, to provide for the enforcement of the laws of Pitcairn and empowered it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the Islanders. Under the new government structure, the Island Council consists of seven voting members: the Island Mayor, elected every three years; the Deputy Mayor and four Councillors, elected every two years; and one nominated member appointed by the Governor. The Governor and his representatives are non-voting ex officio members. During elections in December 2007, the 38-strong electorate elected Mike Warren as its Mayor. On 11 December 2009, 44 Pitcairn voters elected their new Deputy Mayor and four Councillors.[2]

8. On 9 December 2009, the eleventh meeting of the Overseas Territories Consultative Council was held in London. According to the administering Power, at the request of overseas territory leaders, a forum was held on 8 December, the day before the meeting of the Consultative Council, to review the 1999 White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories", which established the principles that had guided the relationship between the United Kingdom and the territories since 1999. The Forum marked the first stage of a consultation process on the future of that relationship. The United Kingdom and the Non-Self-Governing Territories represented at the Consultative Council meeting, including Pitcairn, agreed, inter alia, to continue their discussions on the relationship between the United Kingdom and the overseas territories.

A. Electoral qualifications

9. In order to vote, persons must be at least 18 years old and, if not born on Pitcairn, must have been resident for three years (one year for spouses and two years for de facto partners). To stand for the Council, candidates must fulfil the same residence requirements but must be at least 21 years of age. For the posts of Mayor

[2] Available from http://ukinnewzealand.fco.gov.uk.

and Deputy Mayor, the qualifying residence is eight years and the minimum age is 25. The Island Secretary prepares the register of voters in October of each year, and elections are held on a day during the first two weeks in December.

B. Judicial system and human rights

10. An Island Magistrate is appointed from among the residents of Pitcairn. Other magistrates, legally qualified in a Commonwealth country, are appointed to preside over the Court in matters outside the powers of the Island Magistrate. The jurisdiction of the Court is limited to offences triable summarily, committal proceedings and certain inquiries, together with civil litigation up to a prescribed level. There is a right of appeal from the Court to the Supreme Court of Pitcairn, which is a superior Court of record and has jurisdiction in criminal and civil cases outside the competence of the Magistrate's Court. The Supreme Court is constituted by a judge, the Chief Justice or one of several puisne judges, with or without assessors. Further rights of appeal may be made to the Pitcairn Court of Appeal, comprising three judges, and to the Privy Council.

11. According to the administering Power, the Pitcairn Courts have jurisdiction in relation to human rights arising out of the laws in force in the Islands. The judiciary and the Governor have a corresponding jurisdiction to uphold and enforce human rights in the Islands.

12. Any violation of the civil or political rights of any person is justiciable by means of injunction and damages that may be awarded by the Supreme Court. That court has inherent power and jurisdiction to award compensatory damages and, in certain cases, punitive damages, as well as to give binding directions to secure the rehabilitation of such persons. In the circumstances of Pitcairn, the Governor, as holder of the highest executive office, and the Chief Justice, as head of the judiciary, are responsible within their respective spheres of authority for overseeing the implementation of human rights on Pitcairn.

13. The administering Power has further noted that the laws in force in the Territory, including those relating to human rights, are published by the Government of the United Kingdom and the Pitcairn Administration and are readily available to all on the Island through the Island Secretary's office. The Territory's reports to international bodies are prepared by the Government of the United Kingdom, drawing on information provided by the Governor and the Island administration.

III. Budget

14. According to the administering Power, in 2008-2009, expenditure for Pitcairn, supported by the United Kingdom Department for International Development, was roughly NZ$ 3.37 million, and income for the year was NZ$ 142,000. Budgetary aid of NZ$ 3.23 million was provided in 2008-2009 to help to meet the operating budget deficit. Significant development funds have been allocated for infrastructure projects by the Department for International Development and the European Union. The territorial allocation provided for Pitcairn under the tenth European Development Fund, which runs from 2008-2013, amounts to €2.4 million.

IV. Economic and social conditions

15. The principal source of income for Pitcairn's public economy has traditionally been the sale of stamps. Owing largely to a downturn in the stamp market, however, Pitcairn's financial reserves were exhausted in late 2003, and the Island now receives budgetary assistance from the United Kingdom Department for International Development. According to the administering Power, a scaled-down stamp trade continues nonetheless, with six new stamp issues released each year. Pitcairn coins (New Zealand mint) are another collectors' item.[3] Pitcairn's income has been recently supplemented by the sale of its Internet domain name, ".pn", which can be acquired for US$ 200 for the first registration, which covers two years, and US$ 100 for the annual renewal. Revenue is also generated from landing fees for tourist arrivals. The Department for International Development is supporting a scheme to improve the Island's infrastructure to increase the numbers of visitors to Pitcairn, with a view to securing the Island's future. This includes improved transport links and new attractions (a museum and an eco-trail have already been built, for example). A tourist board has been formed, and a new tourism website for the Islands has been launched.[4]

16. The private economy of Pitcairn is based on subsistence gardening, fishing and handicrafts, as well as the export (to French Polynesia, New Zealand, Japan and the United States of America) of dried fruit, honey and honey products. The Territory imports (mostly from New Zealand) fuel oil, machinery, building materials, cereals, milk, flour and other foodstuffs. The latter are ordered several months in advance and are obtainable through a cooperative store. A number of Pitcairn items are available directly from Pitcairn through the Internet. Bartering, mainly with passing ships, is an important part of the economy. According to the administering Power, the opening in the last two years of a number of small businesses (hairdressers, a takeaway food service, a massage and acupuncture treatment centre, two bakeries, a produce market, a mechanical and carpentry business, a fish order and delivery service and a café) has shifted the Territory towards an economy with a circulating money supply.[5]

A. Transport infrastructure

17. As mentioned in paragraph 1 above, access to Pitcairn is possible only by sea. Charter boats from Mangareva in French Polynesia currently run to the Island four times a year. The Government of the Pitcairn Islands has entered into an agreement with a new contractor with a view to providing improved freight and passenger services.[6]

18. Cruise ships also call during the season (December to March). Ships visiting the Island remain at anchor some distance from the shoreline and visitors are ferried to the Island in longboats. Pitcairn is critically dependent upon certain key items of

[3] See http://onlinepitcairn.com/information/monthlyfeature/dec2008.pdf.

[4] See "Government plan tourism trail to Pitcairn Island", available from www.telegraph.co.uk, 12 September 2009.

[5] Available from http://ukota.org/editorial/UKOTA_Spring_2009.pdf.

[6] Parliamentary records of the United Kingdom, 21 April 2009 (see http://www.publications.parliament.uk).

infrastructure, including the jetty, longboats and boat shed, and the road from the jetty up to the main settlement.

19. According to information provided by the administering Power, further work funded by the Government of the United Kingdom was undertaken in 2009 to enlarge and strengthen the Island's jetty and slipway. Funding was also provided for work on the main square, with a view to offering a more pleasant environment for community functions and a covered marketplace for the sale of curios to cruise ship visitors. More work is planned to extend the one sealed road that currently runs from the landing area to the Adamstown settlement. In 2008, construction was initiated on an alternative road down to the coast ending at Water Valley. The construction process has proven difficult as the Water Valley road is steeper than the regular road, and it has yet to be completed. All-terrain vehicles are the most common form of transport on the Island.

B. Communications and power supply

20. A new communications system funded by the United Kingdom Government in September 2006 provided the Island with telephone services in all homes, a reliable Internet system, limited television service and videoconferencing facilities.

21. As mentioned in previous reports, feasibility studies have been conducted on a new wind-diesel electricity generation system for the provision of a 24-hour electricity supply. Currently, diesel-driven generators provide 240-volt electric power for five hours in the morning and five hours in the evening.

C. Land tenure

22. With regard to land distribution issues, by the late 1970s, owing mainly to emigration, most of Pitcairn was owned by Pitcairn Islanders who no longer lived there. A Land Tenure Reform Ordinance was enacted at the end of 2006 to ensure that every Pitcairn Islander was entitled to an allocation of house, garden, orchard and forestry land "sufficient to meet their needs" for as long as they live on Pitcairn. An annual land tax payable on all land held by non-residents of the Territory, or on land held by residents "in excess of his or her reasonable needs", is aimed at ensuring that sufficient land is available for reallocation through the Land Court, upon application. Only Pitcairn Islanders by birth or naturalization, their children or grandchildren (having reached the age of 18 years) are eligible to apply for an allocation. They must be resident at the time of application and must intend to remain so. More detailed information on land distribution issues is provided in the 2005 working paper (A/AC.109/2005/10).

D. Employment

23. The population of the Territory is self-employed, but allowances are paid to members of the community who participate in local government activities. Under the new governance structure, introduced in April 2009, the majority of the population has at least one part-time government job. Public work, which is required by law of all men and women between 15 and 65 years of age, is partly a relic of the

society created by the mutineers and partly a necessity born of the basically tax-free economy. The most essential of the traditional public duties are concerned with Bounty Bay and the maintenance of public boats or road repair. There are no banking facilities, but undated personal cheques and traveller's cheques may be cashed at the Island Secretary's office.

E. Education

24. Education is free and compulsory for all children between 5 and 15 years of age. Pitcairn's only school was completely rebuilt in 2006; instruction is in English and is based on the New Zealand standard curriculum. The Education Officer, who is also the editor of the *Pitcairn Miscellany*, the Territory's only newspaper, is a qualified teacher recruited from New Zealand, usually for a one-year term. As a point of practicality, post-primary education is conducted at the school by correspondence courses arranged through the New Zealand Department of Education. Overseas secondary education is encouraged by the granting of bursaries, and a number of students have received secondary education in New Zealand with funding from the Government of Pitcairn. In November 2006, following a meeting of the Overseas Territories Consultative Council, the United Kingdom announced that beginning in 2007, citizens from the Overseas Territories would benefit from the home student fee rate at English universities. It is common for young people to leave the Territory at the age of 15 to attend secondary school in New Zealand. The continuing exodus of young people has been a concern to the Islanders for many years.

F. Health care

25. The Pitcairn Island Health Centre, funded by the United Kingdom Department for International Development, has an examination room, a dental clinic, an X-ray room and a two-bed ward for overnight patients. A general practitioner is stationed on the Island on a one-year contract, aided by an assistant nurse and a local dental officer, who also acts as an X-ray technician. The Government has also funded a social welfare programme, which includes a Family and Community Adviser, who is recruited from New Zealand on a one-year contract. In terms of general health, though the Islanders keep active by tending fruit and vegetable gardens and obtaining food from the surrounding ocean, obesity and diabetes are a problem.

G. Criminal justice

26. Allegations of child sex abuse, which came to light in 1999, led to a widespread police investigation resulting in 13 men being charged with a total of 96 offences. The trials of the seven on-island defendants were held on Pitcairn in 2004; six were convicted on a number of counts. Four men received custodial sentences.

27. The convicted men appealed to the Pitcairn Court of Appeal and subsequently to the Privy Council in London on a range of issues. These included the sovereignty of the Pitcairn Islands, the promulgation of English law on the Island, delay, and other issues that they claimed were an abuse of process. Their appeals were finally

dismissed by the Privy Council in a judgement handed down on 30 October 2006. Other appeals were heard in 2007, and although one count was dismissed for one of the offenders, the sentences were not substantively altered.

28. The trials of two more Pitcairn men (resident in Australia and New Zealand) took place in the Pitcairn Supreme Court sitting in Auckland in December 2006. Guilty verdicts were handed down on 9 January 2007 and the men were immediately taken to Pitcairn to serve their sentences. By November 2009, the sentence expiry dates of most of the men had passed, with the exception of those of three who are on parole and one who remains in home detention awaiting a parole decision on 26 November. Parolees are monitored by the Community Police Officer, who is seconded from the New Zealand police force.

29. In October 2008, the Government of the United Kingdom established a mechanism to compensate the victims of past child sex abuse on Pitcairn Island who had cooperated with the authorities in bringing the assailants to justice. The closing date for applications for compensation was 31 March 2009.[7]

V. Relations with international organizations and partners

30. Pitcairn is a member of the Secretariat of the Pacific Community, which is the oldest and largest organization in the 10-member Council of Regional Organizations in the Pacific, a consultative process that is headed at the political level by the Pacific Islands Forum Secretariat. The Secretariat of the Pacific Community provides technical assistance, policy advice, training and research services to 22 Pacific Island countries and territories in areas such as health, human development, agriculture, forestry and fisheries. All of these areas are critical to the people of the Pacific, who continue to face challenges owing to their remote locations and scarce resources, as well as new challenges involving decreasing food security and the effects of climate change.[8]

VI. Future status of the Territory

A. Position of the territorial Government

31. The most recent statement by a representative of the Island Mayor was made during the Pacific regional seminar on advancing the decolonization process in the Pacific region, held in Madang, Papua New Guinea, from 18 to 20 May 2004. The statement is summarized in the report of the Special Committee of 24 for 2004 (A/59/23).

B. Position of the administering Power

32. In its June 2008 report on the overseas territories of the United Kingdom, the House of Commons Foreign Affairs Committee urged the Government to ensure full consultation with the Pitcairn community on proposals for the Island's economic

[7] Available from http://www.government.pn/compensation.

[8] See http://spc.int.

development. In its response, the Government undertook to do so and acknowledged that partnership between the United Kingdom Government and the Island was essential to ensure that development on Pitcairn was sustainable.

33. In a statement made on 5 October 2009 before the Special Political and Decolonization Committee (A/C.4/64/SR.2), the representative of the United Kingdom said that where the people of one of the Overseas Territories had clearly and constitutionally opted for independence, his Government would help them to achieve it, while where instead a Territory wished to retain the link to the United Kingdom, it would safeguard that Territory's future development and continued security, holding regular annual political consultations with them. The representative also said that territorial constitutions governed the relationship between the United Kingdom and its Overseas Territories, and his Government regularly updated them, carefully considering all proposals for constitutional change received from the Territories. New such constitutions had come into force in 2006, 2007 and 2009.

34. The representative further stated that maintaining high standards of probity and governance was a cornerstone of British administration of the Territories. The Government of the United Kingdom was committed to allowing each Territory to run its own affairs responsibly as far as possible, but retained the right to intervene when developments in a Territory gave cause for concern or a Territory failed to fulfil international obligations.

C. Action by the General Assembly

35. On 10 December 2009, the General Assembly adopted resolutions 64/104 A and B without a vote, on the basis of the report of the Special Committee (A/64/23) and its subsequent consideration by the Special Political and Decolonization Committee (A/64/413). In section VIII of resolution 64/104 B, concerning Pitcairn, the General Assembly:

> "1. *Welcomes* all efforts by the administering Power that would devolve operational responsibilities to the territorial Government, with a view to expanding self-government;
>
> "2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;
>
> "3. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the territorial Government on how best to support economic security in Pitcairn."